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## **CHAPTER 1: Purpose, Scope**

### **SECTION A: Legislative Purpose**

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (1) protect the right to the use of signs for the identification of commercial and non-commercial messages;
- (2) protect the right of individuals to privacy and freedom from nuisances;
- (3) protect the value of property and improvements thereon;
- (4) permit signs that are appropriate to their surroundings;
- (5) assure that signs are constructed and maintained in a safe condition;
- (6) encourage design that enhances the readability and effectiveness of signs;
- (7) prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (8) reduce traffic hazards;
- (9) eliminate obsolete signs;
- (10) provide an efficient and effective means of administration and enforcement; and
- (11) promote signs that are compatible with their surroundings.

### **SECTION B: Scope**

Except for signs permitted in all districts in Chapter 3, Section D herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign.

## CHAPTER 2: Definitions

For the purpose of this ordinance the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

Animated Sign - A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Appeals Board - The duly appointed board (currently Board of Zoning Appeals) authorized by the Town Council to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

Average Surrounding Grade - The average elevation or grade of the land surrounding the base of a sign for a distance of twenty-five (25) feet on all sides of a sign, or the supports or uprights of any sign.

Back to Back Sign - A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

Balloon - Any inflatable, non-stationary, animated type of sign.

Banner – A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. “Banner” shall include animated and/or fluttering devised designed to attract attention.

Billboard - A sign having more than two hundred fifty 250 square feet of display surface area that is constructed as a pole sign.

Building Face or Wall - All window and wall area of a building in one place or elevation.

Building Mounted Sign - Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

Campus Style Development – Large scale developments, such as office parks, colleges or universities, hospitals, medical clinics, and other nonresidential or mixed use developments which encompass at minimum 5 acres of land and 25,000 square feet of gross building square footage.

Candlepower - The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

Canopy – The overhang of a permanently roofed structure not intended for human habitation such as a gas island canopy.

Changeable Copy - A sign designed so the copy can be changed while the display surface area remains unchanged.

Changeable Copy, Automatic – A changeable copy sign or portion of a sign on which the message can be changed through electronic or electro-mechanical means.

Changeable Copy, Manual – A changeable copy sign or portion of a sign designed so that the message or copy can be manually changed frequently.

Commercial Complex - Two or more activities other than residential as defined in the Municipal Zoning Ordinance that share common parking. A building or group of buildings located upon a lot used or designed to be used for two or more non-residential occupancies that share common parking.

Copy - The wording or graphics on a sign surface.

Dilapidated Sign - Any sign that is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

Direct Illumination – All illuminated signs not included in the definition of "Sign, Luminous Background" or "Sign, Indirect Illumination".

Directional Sign - Any sign that provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities.

Display Surface Area - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

District - A zoning district as defined and established by the Smyrna Municipal Zoning Ordinance.

Electrical Sign - A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

Enforcing Officer - The chief enforcing officer shall be the Building Official or his authorized representative or official appointed to enforce the terms of this ordinance.

Establishment - A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

Facade - The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

Face (of sign) - The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation that attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Foot-candle - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Ground sign - A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not attached to any building.

Hand-tacked sign - A temporary sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event.

Height (of sign) - The vertical distance measured from the average surrounding grade to the highest point of a sign.

Illuminated sign - A sign designed to give forth any artificial light or reflect such light from an artificial source.

Incidental sign - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, including but not limited to “no parking”, “entrance”, “exit”, “loading only”, “no trespassing”, “no hunting”, “phone”, “ATM”, “hours of operation”, etc.

Indirect Illumination – Any illuminated sign that is either a sign illuminated entirely from an external artificial source or an illuminated sign upon which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Inflatable Sign - A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message. An inflatable stationary sign is anchored in such a fashion that does not allow it to move. An inflatable mobile sign is tethered so that it moves and free floats.

Lot - A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance. For the purpose of this ordinance,

easements and other appurtenances shall be considered to be inside such platted parcel of land.—

Luminous Background - A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

Major Street or Thoroughfare -Any street shown as such on the official major thoroughfare plan.

Major Street or Thoroughfare Plan - A plan for future streets and street rights-of-way adopted by the Smyrna Municipal Planning Commission.

Moving Message Board - Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

Neon Wall Sign - Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

Nit – A metric unit of luminance further defined as candela per square meter (cd/m<sup>2</sup>).

Noncomplying (sign) - Any sign that does not comply with one (1) or more standards or regulations in this ordinance.

Nonconforming (sign) - Any sign that is not permitted within the district in which it is located.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Pole sign - A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

Projecting sign - Any sign that:

- a. is attached to a wall and projects outward from the wall more than twelve (12) inches; or
- b. is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee.

Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Portable sign - Any sign that is movable, portable, or designed to be portable that is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Right-of-Way - The right-of-way as indicated on the official major street or thoroughfare plan or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the property meets the public street or public roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

Roof – The outside top covering of a building.

Roof Sign - Any sign attached to or mounted on any surface defined as a roof.

Sign -Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- b. Is used to announce, direct attention to, or advertise; and
- c. Is visible from outside a building.

Sign Structure - A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Streamer - A series of long, narrow banners, flags, or pennants attached to a cord.

Temporary Sign: Any sign constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

Tent - A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

Town - When used herein shall mean the Town of Smyrna, Tennessee.

Travelway - That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

Vehicle Sign - A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said



display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Wall Sign - A type of building mounted sign

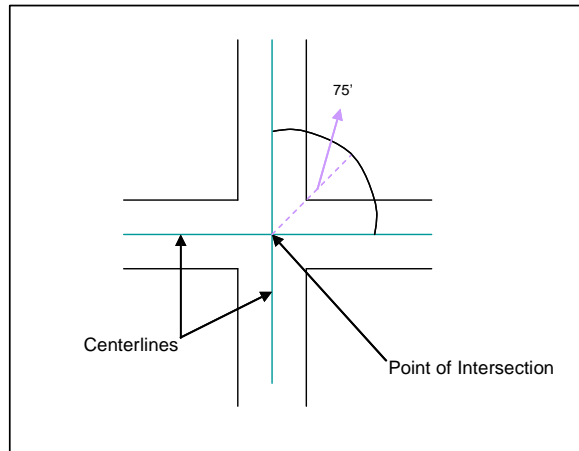
- a. that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee,
- b. that does not project outward more than twelve (12) inches from the surface to which it is attached, and
- c. in which the sign face is parallel to the plane of the surface to which it is attached.

### **CHAPTER 3: General Provisions**

The following requirements apply to all signs in all districts.

#### **SECTION A: General Standards**

- (1) No sign except for those specified in Chapter 3, Section D, shall be erected until a permit has been obtained in accordance with Chapter 9 of this ordinance.
- (2) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device as found in the Manual of Uniform Traffic Control Devices.
- (3) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- (4) Corner Lots
  - (a) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and eight (8) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection. This is in addition to any other setback requirements.



- (b) On a corner lot, a permitted or allowed sign may be located along each street frontage according to the rules as cited within this ordinance.
- (5) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
  - (6) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, light poles, or similar structures or objects.
  - (7) No sign shall obstruct any doorway, window, or fire escape.
  - (8) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
  - (9) All signs shall be maintained in good condition at all times. Signs that are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The permit holder and/or owner shall be given ten (10) days written notice to comply with this ordinance. Should the permit holder and/or owner fail to comply within the prescribed period, the continued use of such sign shall be a violation of this Section.
  - (10) Signs shall conform to all national, state, and local electrical codes. All required permits shall be obtained.

## SECTION B: Calculation of Display Surface Area

- (1) The supports or uprights and any covering thereon on which one or more signs are mounted shall not be included in the display surface area unless it displays copy.



- (2) On signs in which the copy together with the background is designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy and background.



*Example of copy and background as integrated unit*

- (3) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.



*Example of copy without distinct background*

- (4) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- (5) In any district that permits billboards, the computation of display surface area shall include both billboards and accessory signs.

### **SECTION C: Height of Signs**

The following general rules shall apply in the determination of the height of signs.

- (1) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average surrounding grade at the base of the supports, or the base of any sign attached to the ground.

## **SECTION D: Signs Permitted in All Districts**

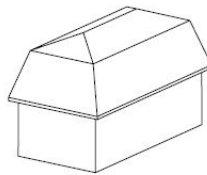
The following signs are permitted in all districts and do not require a permit.

- (1) Governmental signs and notices issued by the court, person, or officer in the performance of an official public duty.
- (2) Signs in the nature of decorations that are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;
- (3) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;
- (4) Flags
  - (a) The official flag of a government, governmental agency, public institution, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays.
  - (b) Flags mounted on poles shall meet the height and size requirements for pole signs of the district in which they are located.
- (5) Temporary signs as provided in Chapter 7.
- (6) Directional signs that do not exceed three (3) square feet in size and thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed on each side of a given driveway.
- (7) Signs not visible from a public street in a campus-style development.
- (8) Incidental signs.
- (9) Windows signs as provided in Chapter 6.
- (10) Signage located on athletic fields if oriented toward the field of play.
- (11) Inflatable signs that are no more than 2 feet in diameter and extend no more than 10 feet from ground level.

## SECTION E: Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal and in violation of this Section.

- (1) Any sign painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign. Any sign attached to a vehicle that is being offered for sale or lease is not prohibited as long as the vehicle is in operable condition;
- (2) Signs made structurally sound by guy wires or unsightly bracing;
- (3) Signs containing any kind of flashing, strobing or pulsating lights;
- (4) Video, continuous scrolling messages, and animated signs;
- (5) Banners, except as specifically permitted in Chapter 7;
- (6) Any sign with direct illumination provided by exposed bulbs or lamps;
- (7) Hand-tacked signs;
- (8) Portable signs;
- (9) Roof signs except in the case of mansard-style roofs, in which case the sign may not encroach above the roofline;



Mansard Roof

- (10) Flashing, swinging, or rotating signs, pennants, or other decorations;
- (12) Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement; and

- (13) Any sign that extends vertically or horizontally outside of the sign structure.

#### **SECTION F: Substitution Clause**

Any sign permitted under this Ordinance may display a noncommercial message.

### **CHAPTER 4: Permitted Signs in Residential Districts**

Within the residential districts as delineated by the Smyrna Municipal Zoning Ordinance, permanent signs are permitted subject to the provisions as set forth herein.

#### **SECTION A: Signs for Non-Residential Uses in Residential Districts**

- (1) A ground sign shall not exceed four (4) feet in height and forty-eight (48) square feet in size. Ground signs integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Ground signs may not be located in the right-of-way.
- (2) A wall sign shall not exceed thirty-two (32) square feet in size.
- (3) Such signs may be illuminated by indirect means or with luminous background. Indirect lighting shall not exceed fifty (50) foot candles, and a luminous background shall not exceed ninety (90) foot lamberts in brightness. In no event shall the light from any sign exceed one (1) foot candle at the lot line.
- (4) Ground signs shall be set back from the street right-of-way a minimum of ten (10) feet.
- (5) Up to twenty (20) square feet of changeable copy area is allowed as a part of the total allowed square footage under this section.
- (6) The following provisions and standards shall apply to campus style developments.
  - (a) A campus style development may be permitted one (1) ground sign per street frontage. The maximum total square footage of such signs shall be forty-eight (48) square feet. Such sign shall not exceed four (4) feet in height. Ground signs integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. Ground signs may not be located in the right-of-way.

- (b) Additional signage may be permitted on the building(s) within the development and may include wall signs, projecting signs, or a combination thereof. Such signage shall be in scale with the size of the elevation of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of the building elevation face to which it is mounted.
- (c) A campus-style development may also be permitted additional interior directory signage. These signs are permitted to be mounted to an exterior wall or erected separately within a development. These signs shall be no larger than twelve (12) square feet nor more than four (4) feet high (if erected separate from a building). One sign per building may be permitted, and shall be on private property. A sign shall not be located in the median of any public street. These signs are in addition to any signage installed as permitted in subparagraphs (a) and (b) above.
- (d) A changeable copy sign may be permitted for a campus-style development with a maximum display surface area of twenty (20) square feet.

## **SECTION B: Signs for Residential Uses in Residential Districts**

- (1) Signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing thirty-six (36) or more dwelling units subject to the approval of the Smyrna Municipal Planning Commission.
- (2) One (1) sign may be permitted, on each side of any entrance, if such sign is on private property. No such sign may be located in a median unless approved by the Smyrna Municipal Planning Commission.
- (3) All signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped.
- (4) A sign shall not exceed seventy-five (75) square feet in size.
- (5) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.



- (6) Any sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association.
- (7) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.

## **CHAPTER 5: Permitted Signs in Planned Developments**

Within planned developments as defined by the Smyrna Municipal Zoning Ordinance, the following sign requirements shall apply:

**SECTION A:** Within a Planned Residential District (PRD), the provisions of Chapter 4 shall apply.

**SECTION B:** Within a Planned Commercial District (PCD) or a Planned Industrial District (PID), the provisions of Chapter 6 shall apply.

**SECTION C:** Within a Planned Unit District (PUD) wherein a mixture of uses are allowed that could include residential, commercial, and industrial within the same district, the signage plan shall be reviewed in detail as a part of the application for a PUD and approved as a part of the approved application.

**SECTION D:** All provisions of Chapter 3 shall apply in all planned developments.

## **CHAPTER 6: Permitted Signs in Non-Residential Districts**

### **SECTION A: Signs other than Billboards and Interstate Signs**

Within the non-residential districts, as delineated by the Smyrna Municipal Zoning Ordinance, the total amount of signage (display surface area) allowed on any zone lot, with the exception of billboards and interstate signs, shall be two hundred (200) square feet of signage, subject to the following provisions: Any combination of projecting sign, wall sign, or pole or ground sign shall not exceed two hundred (200) square feet. This restriction shall not apply to commercial complexes or campus style developments. Unless stated otherwise herein, the maximum allowable display surface area for changeable copy areas as a part of the signs as defined by this section shall be twenty (20) square feet per lot.

- (1) Projecting signs are permitted subject to the following standards:
  - (a) A use may be permitted to have one (1) projecting sign.

- (b) Such sign shall not exceed sixty (60) square feet in display surface area.
  - (c) Such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travel way, or no less than fifteen (15) feet from the right-of-way, whichever is more restrictive.
  - (d) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
  - (e) Such sign shall clear the established grade by a minimum of eight (8) feet.
  - (f) Such sign shall be no closer than thirty (30) feet to any other projecting sign.
- (2) Wall signs are permitted subject to the following standards:
- (a) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached with the exception of canopy signs which shall not exceed twenty-five percent (25%) of the square footage of the canopy to which it is attached.
  - (b) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twenty-four (24) inches. Such sign may extend above the roof line in such cases as when the structural wall of the building also extends above the roofline.
  - (c) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds ( $2/3$ ) of the distance between the top of the window below and the sill of the window above.
  - (d) Such sign shall not cover or interrupt major architectural features of the building.
  - (e) Framed wall signs where it is intended that the contents of the frame will be changed periodically shall be considered changeable copy.

- (f) No more than 20% of the allowed display surface area for wall signs may be used for changeable copy.
- (3) Pole or ground signs are permitted subject to the following standards:
- (a) A use shall be permitted to have up to one (1) ground or pole sign per street frontage.
  - (b) Such sign shall have a maximum display surface area of one hundred (100) square feet.
  - (c) The maximum height of a pole sign shall be twenty (20) feet and of a ground sign four (4) feet. Ground signs which are integrated into a brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.
  - (d) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet. The display surface area of such changeable copy sign shall comprise a portion of the total allowable amount of signage as cited within this section. In addition, the display surface area of such changeable copy sign shall be included in the total allowable area for a pole or ground sign.
  - (e) Such sign shall be set back from the right-of-way a minimum of ten (10) feet, except in zoning districts as established by the Smyrna Municipal Zoning Ordinance that have a front building setback established at less than ten (10) feet. In these districts, the front setback for the pole or ground sign shall be equal to the front setback as established for the zoning district.
  - (f) Signs in or near windows that are intended to be viewed from the exterior of the building shall cover no more than twenty-five percent (25%) of the window area.
- (4) The following provisions and standards shall apply to commercial complexes.
- (a) A commercial complex may be permitted one (1) pole or ground sign. The maximum size of such sign shall be one hundred and fifty (150) square feet. No single type of sign shall exceed fifty (50) square feet in size. Such sign shall not

exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

- (b) Additional signage may be permitted on the building(s) within the complex and shall be wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall.
  - (c) A commercial complex may also be permitted directional signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size and seven (7) feet in height.
  - (d) Signs in the window area intended to be viewed from the exterior of the building shall cover no more than twenty-five percent (25%) of the window area.
  - (e) A changeable copy sign may be permitted for the commercial complex with a maximum display surface area of thirty (30) square feet.
- (5) Signs may be illuminated subject to the following standards:
- (a) Exposed bulbs are prohibited with the exception of neon lights meeting the following illumination requirements.
  - (b) Bands of neon lights shall be restricted to accent along the roofline. No bands of neon or fluorescent lights shall be placed in windows. Neon may be used as part of an incidental or wall sign as long as all other applicable provisions of this ordinance are met.
  - (c) No sign shall change color or intensity.
  - (d) The brightness and surface illumination shall not exceed:
    - Luminous background - 150 foot lamberts
    - Indirect Illumination - 50 foot candles

- (e) In no event shall the light from any illuminated sign exceed one (1) foot-candle at the property line of any lot that is zoned residential.
  - (f) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.
- (6) The following provisions and standards shall apply to campus style developments.
- (a) A campus style development may be permitted one (1) pole sign. The maximum total square footage of such signs shall be one hundred fifty (150) square feet. No single pole sign shall exceed one hundred (100) square feet in size. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less. In lieu of a pole sign(s), one (1) ground sign per entrance from a public street or street frontage may be permitted. Two (2) signs per entrance can be utilized if the two signs are single-sided. The square footage allowed shall be five hundred (500) square feet. No single ground sign shall exceed three hundred (300) square feet. Such sign shall not exceed fifteen (15) feet in height, except that such signs located along principal arterial roads as delineated on the adopted Major Thoroughfare Plan that lead to Interstate interchanges shall not exceed thirty (30) feet.
  - (b) Additional signage may be permitted on the building(s) within the development and may include wall signs, projecting signs, or a combination thereof. Such signage shall be in scale with the size of the elevation of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed eight (8) percent of the square footage of the building elevation face to which it is mounted.
  - (c) A campus-style development may also be permitted additional interior directory signage. These signs are permitted to be mounted to an exterior wall or erected separately within a development. These signs shall be no larger than twenty-five (25) square feet nor more than seven (7) feet high (if erected separate from a building). One sign per building may be permitted, and shall be on private

property. A sign shall not be located in the median of any public street. These signs are in addition to any signage installed as permitted in subparagraphs (a) and (b) above.

- (d) A changeable copy sign may be permitted for a campus-style development with a maximum display surface area of thirty (30) square feet.

## **SECTION B: Billboards**

Billboards may be permitted only within the C-2, C-3, I-1, I-2, and I-3 Zoning Districts, and oriented thereto and subject to the standards that follow below. No new billboard may be located within the corporate limits of Smyrna except in accordance with paragraph 4 below.

- (1) All billboards shall be freestanding and mounted upon a single support pole and shall not be double stacked or constructed side by side.
- (2) The maximum display surface area shall be six hundred (600) square feet.
- (3) No billboard shall be located on or extend across any public right-of-way.
- (4) No new billboards shall be erected under any circumstances until an equal number of billboards has been removed.  
Hence, no new billboards shall be constructed except to replace already existing billboards that were currently in existence at the time this ordinance was officially adopted. In all such cases they may be no larger than six hundred (600) square feet in area.
- (5) The minimum distance between billboards located along and oriented toward the same public street shall be no less than two thousand (2,000) feet and shall be applied as follows:
  - (a) The spacing requirements shall be applied separately to each side of a public street.
  - (b) The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in any direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
- (6) No billboard shall be located closer than fifteen-hundred (1,500) feet from any other billboard regardless of location or orientation.

- (7) The spacing between signs oriented toward different streets and between those oriented toward but located on opposite sides of the same street shall be the straight line distance between the nearest point of each sign.
- (8) The maximum height of billboards shall be fifty (50) feet above the elevation of the pavement nearest the sign.
- (9) The illumination standards contained in Chapter 4, Section A, paragraph 3 shall apply, provided that the brightness and surface illumination shall not exceed:
  - Luminous Background - 150 foot lamberts
  - Indirect Illumination - 50 foot candles
- (10) No billboard shall be located closer than six hundred (600) feet from any property zoned residential.
- (11) Changeable copy area for billboards shall be limited to the size of the billboard.

### **SECTION C: Interstate Signs**

The following provisions shall apply only to interstate signs.

- (1) Location - Such signs shall only be located within a two-thousand (2,000) foot radius of the center of the Interstate Highway 24 - Almadillo Road Interchange, or within a twenty-five hundred (2,500) foot radius of the center of the Interstate Highway 24 - Sam Ridley Parkway Interchange.
- (2) Number allowed - One (1) per zone lot.
- (3) Maximum size - Two-hundred and fifty (250) square feet.
- (4) Maximum height - One hundred and twenty (120) feet.
- (5) Minimum height - Seventy-five (75) feet to the bottom of the sign.
- (6) Minimum setback - Fifteen (15) feet from street right-of-way lines.
- (7) Minimum setback from a residential district - Six hundred (600) feet
- (8) Other applicable provisions - All other applicable provisions cited herein in Chapter 6, Section A shall apply to interstate signs.
- (9) Changeable copy area for interstate signs shall be limited to fifty (50) square feet.

## **SECTION D: Changeable Copy Signs**

The following standards shall apply to changeable copy signs as allowed in this Ordinance.

- (1) Manual changeable copy signs are allowed in all non-residential districts and for non-residential uses in all residential districts subject to other applicable provisions of this Ordinance.
- (2) Automatic changeable copy signs are allowed in the C-2, C-3, C-4, I-1, I-2, I-3, and A-1 districts subject to other applicable provisions of this Ordinance.
- (3) Changeable copy signs in all planned developments must be approved as a part of the planned development.
- (4) Signs containing automatic changeable copy area must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the Town that it is not complying with the standards of this Ordinance.
- (5) Only one contiguous changeable copy area is allowed per sign face.
- (6) All signs containing automatic changeable copy area must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. Maximum brightness levels shall not exceed 5000 nits when measured from the sign face at its' maximum brightness during daylight hours. Maximum brightness levels shall not exceed 150 nits when measured from the signs face at its' maximum brightness between sunset and sunrise.
- (7) All messages must change instantaneously without any special effects.
- (8) The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.
- (9) Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least eight (8) seconds.



## CHAPTER 7: Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

### SECTION A: General Requirement

- (1) Five (5) temporary signs per lot shall be allowed at any given time;
- (2) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- (3) No temporary sign shall be displayed on a roof.
- (4) No temporary sign shall be permitted to project into or over any public street, right-of-way, except as banner or festoon announcing a fair, festival, parade, holiday festivities, or similar activity that will be open to the general public. Any such temporary sign so displayed shall first have the approval of the Smyrna Town Manager.
- (5) Temporary signs shall not contain any type of changeable copy.
- (6) Temporary signs shall not be illuminated.
- (7) No temporary sign shall be located in the right-of-way or on any TDOT fence. This includes temporary signs placed into the ground, attached to utility poles, and signs held, twisted, twirled, spun, flipped, or otherwise moved by a human being while that human being is located in the public right-of-way.
- (8) The use of a banner as a temporary sign shall be prohibited unless such banner is properly permitted by the Town of Smyrna. Once properly permitted, the use of banners as temporary signs shall be subject to the following provisions:
  - (i) For the purposes of this part, "banner" shall be defined as a sign having the copy applied to cloth, paper, or fabric of any kind with only such material for backing. "Banner" shall also include animated and/or fluttering devices designed to attract attention.
  - (ii) Any person or business wishing to utilize a banner as a temporary sign shall obtain a permit from the Smyrna Codes Department. No permit issued in accordance with the provisions of this part, including any extensions to such permit, shall be valid for longer than thirty (30) days. Permits may be extended for two (2) additional thirty (30) day periods; however, in no event may a banner be displayed on any parcel for longer than ninety (90) days.

The permit applicant shall pay a fee for any permit issued under this part and each subsequent extension thereto in the amount of \$30.00 each.

- (iii) Properties located in Commercial or Industrial Zones may display no more than two (2) banners at any time and such banners shall not exceed thirty-two (32) square feet with each sixteen (16) square feet of banner being considered one (1) banner.
- (iv) Properties located within Residential Zones may display no more than one (1) banner at any time and such banner shall not exceed six (6) square feet
- (v) No parcel, regardless of its zone, may utilize banners as temporary signs on such parcels for more than ninety (90) days per calendar year.

## **SECTION B: Temporary Sign Size Requirements**

- (1) Maximum Display Surface Area
  - (a) Maximum display surface area shall be six (6) square feet in all residential districts.
  - (b) Maximum display surface area shall be sixteen (16) square feet in all non-residential districts.
  - (c) Maximum display surface area for street banners as allowed in Chapter 7, Section A, (5) of this ordinance shall not be limited.
  - (d) Streamers shall be allowed up to a maximum of 3 feet of streamer length for every one feet of road frontage in the C-2 and C-3 districts only. Each continuous streamer cord shall constitute one temporary sign as regulated in Chapter 7, Section A.
- (2) Maximum height shall be twelve (12) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet. Streamers shall not exceed the height of the building.

### **SECTION C: Inflatable Signs**

- (1) Inflatable signs except as allowed in Chapter 3, Section D, are required to obtain a permit from the Town.
- (2) No more than one such sign is allowed per lot of record.
- (3) An inflatable sign permitted under this section can extend no more than 20 feet from ground level and cannot exceed 100 square feet.
- (4) Such sign may be permitted for no more than 30 days in a calendar year.
- (5) Such sign shall constitute one temporary sign as regulated in Chapter 7, Section A.

## **CHAPTER 8: Nonconforming and Noncomplying Sign Provisions**

### **SECTION A: General**

Any sign lawfully existing at the time of the enactment of this ordinance or any amendment thereto but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations shall be classified as either nonconforming or noncomplying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Enforcing Officer utilizing certain appropriate sections of the adopted building code, the Smyrna Municipal Code, and/or various provisions of this ordinance deem such signs as being dilapidated and constituting a definite health hazard to the public. However, any billboard located within six hundred sixty (660) feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

### **SECTION B: Alterations to Nonconforming and Noncomplying Signs**

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- (1) That the degree of nonconformance or noncompliance is not increased as applied to signs other than billboards. Such alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of off-premise signs that are

nonconforming or noncomplying must adhere to all the requirements cited in Chapter 6, Section B. In all cases, the business owner shall obtain a sign permit in accordance with the terms of this Ordinance.

- (2) If any nonconforming sign is removed as per the requirements cited in Chapter 8, Section A above or for any other reason, with the exception of billboards, then the sign shall conform with T.C.A. 13-7-208.
- (3) If any noncomplying sign is removed with the exception of billboards, it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this Section.
- (4) The removal of any nonconforming or noncomplying billboard shall conform to Chapter 6, Section B of this Ordinance and T. C. A. 13-7-208.

## **CHAPTER 9: Administration**

### **SECTION A: Sign Permit Application**

- (1) An application for a sign permit must be filed at Town Hall with the Enforcing Officer.
- (2) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a Signage Plan for the lot which shall include all signs, existing and proposed.
- (3) For any lot on which the owner proposes to erect any sign requiring a permit, a Signage Plan shall be submitted containing the following:
  - (a) An accurate surveyed plot plan of the lot;
  - (b) Location of all buildings on the lot;
  - (c) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
  - (d) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, materials, location on buildings, and proportions;

- (e) Any other information deemed necessary by the Enforcing Officer to determine whether or not the permit application complies with this ordinance.
- (4) The Signage Plan may contain such other restrictions as the owner of the lot may determine that are in conformity with the provisions of this Ordinance and shall be signed by all owners of the property.
- (5) A Signage Plan may be amended by filing a new plan with the enforcing officer that conforms to all requirements of this Ordinance.
- (6) After approval of a Signage Plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of this Ordinance and the provisions of any sign plan, this Ordinance shall control.
- (7) An application for a sign permit shall contain the following:
  - (a) Name, address, and phone number of the property owner as well as the name, address, and phone number of the party applying for permit;
  - (b) Name of persons or firms erecting the sign and all structures;
  - (c) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.
  - (d) The approximate value of the sign to be installed including the installation cost.
- (8) The permit fee shall be as established in accordance with the fee schedule as set by ordinance of the Town Council. Said fee may cover all signs included on the plan or may apply to any sign being changed.
- (9) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

## **SECTION B: Exceptions**

The following signs shall be exempt from the payment of fees:

- (1) All signs referenced in Chapter 3, Section D.

- (2) Official Federal, State, and local government signs.
- (3) Commemorative or historical plaques.

### **SECTION C: Appeals**

Any person aggrieved by any action of the Enforcing Officer in denying or issuing a sign permit as herein described may, within thirty (30) days, appeal for a variance or other relief in writing to the Board of Sign Appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said Board on the appeal. The Board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the Board deems advisable and in keeping with state law.

### **SECTION D: Board of Sign Appeals**

For the purposes of this ordinance, the Board of Zoning Appeals shall serve as the Board of Sign Appeals. Said Board shall consist of five (5) members appointed by the Town Council for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two- (2) year term and two (2) members a three (3) year term. The Board shall elect a chairman from its members.

The Town shall provide a secretary to keep all records of the Board.

### **SECTION E: Powers and Duties of the Board**

The Board of Sign Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.
- (2) To hear and decide requests for variances from the provisions of this ordinance according to the criteria cited within Section F below.

### **SECTION F: Standards for Appeal Decisions**

Before granting any relief from the application of the provisions of this Ordinance, the Board shall make specific findings of fact justifying the case under appeal.

- (1) For a finding of error, the Board shall state the section of the ordinance that is being appealed and how the Enforcing Officer erred in the application of the ordinance requirements.

- (2) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (a) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
  - (b) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
  - (c) The hardship has not been created by any person having an interest in the property.
  - (d) Financial returns only shall not be considered as a basis for granting the variance.
  - (e) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this ordinance.
  - (f) The variance does not confer a special privilege to the applicant that is denied to others.
- (3) Under no circumstances shall the Board grant a variance to allow a sign which is not permitted by this ordinance.
  - (4) The Board may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this ordinance.

## **SECTION G: Violations and Penalties**

Any person, firm, or corporation violating any provisions of this ordinance shall be in violation of this ordinance and upon conviction thereof, shall be appropriately fined. Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) days, the owner of a sign fails to contact the Enforcing Officer in order to bring said sign into compliance with this Ordinance, or to obtain a permit for said sign, then the Enforcing Officer is herein empowered to have the sign removed and disposed of without any further notice.

In addition, each sign in violation constitutes a separate violation. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed the State authorized maximum for each violation.

#### **SECTION H: Disposal of Signs**

The Enforcing Officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this Ordinance and properly dispose of them.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

### **CHAPTER 10: Legal Status Provisions**

#### **SECTION A: Exercise of Police Power**

This entire ordinance shall be deemed and construed to be an exercise of the police power of the Town of Smyrna, Tennessee, adopted under the authority of Section 6-19-101, Tennessee Code Annotated, for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

#### **SECTION B: Severability**

If any section, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

#### **SECTION C: Conflict with Other Ordinance or Law**

In case of conflict between this Ordinance or any part hereof, and the whole or part of any existing or future Ordinance of the Town, the most restrictive provision shall in all cases apply. In the event of conflict between this Ordinance or any part thereof with State and/or federal law, such State and/or federal law shall apply.



**SECTION D: Interpretation**

Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

**SECTION E: Effective Date**

This ordinance shall take effect and be in force from August 30, 2011, the public welfare demanding it.

Passed First Reading June 14, 2011

Passed Second Reading August 9, 2011

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
Tony Dover, Mayor Dianne Waldron, Town Clerk

AMENDMENTS